

CITY OF MINNEAPOLIS
LICENSES AND CONSUMER SERVICES
350 SOUTH 5TH STREET, ROOM 1-C, CITY HALL
MINNEAPOLIS, MN 55415

**FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS**

In the Matter of License No. L098 50054 DAVE'S HTG AIR CONDITIONING &
ELECTRIC for COMBINED TRADES

Held by:
THE ROBERTS APPLIANCE SERVICE INC
ATTN: DAVID LOUIS ROBERTS
1601 37TH AVE NE
MINNEAPOLIS, MN 55418

08-0663767

This matter came before a license settlement conference on September 24, 2008 and October 22, 2008. Appearing for the department were Deputy Director Ricardo Cervantes, Lead License Inspector Julie Casey, CCS Inspector Tim Daughtery and Les Blackwell. Appearing for Dave's Heating and Air Conditioning and Electric was David Roberts. Based on the information presented at the hearing, the department makes the following findings of fact.

FINDINGS OF FACT

1. On November 29, 2007, a notice of code violation was issued to David Roberts for violations of the mechanical codes at 2959 Lincoln St NE with a due date of December 13, 2007. On December 14, 2007, Inspector Daughtery called Mr. Roberts and was informed he had not completed the work issued under the code violation notice. The code violations issued under this order was deemed by Inspector Daughtery to be a potential unsafe conditions. Mr. Roberts assured Mr. Daughtery that he would complete the orders and inform the inspector when the work was completed. On December 18, 2008, CCS Inspector Daughtery issued a citation for failure to comply with written order. Mr. Roberts pleaded guilty to this citation.
2. On June 11, 2008, a notice of code violation was issued to David Roberts for violations of the mechanical codes and failure to obtain a heating permit at 1614 3rd Street NE with a due date of June 25, 2008. The code violations issued under this order was deemed by Inspector Blackwell to be an unsafe condition. Inspector Les Blackwell reported that the work was not completed as of the due date.

3. On June 18, 2008, a notice of code violation was issued to David Roberts for violations of the mechanical codes at 1709 6th Street NE with a due date of July 3, 2008. Mr. Roberts failed to complete the work by the due date.
4. Construction Code Services notified the Business License Division that Dave's Heating, Air Conditioning and Electric was failing to call for required rough in and final inspections. A list of 63 addresses were noted where inspections were not complete. On September 24, 2008, the list had been reduced to 20 addresses. All but four of those addresses were vacant or unreachable.

CONCLUSIONS

1. Dave's Heating, Air Conditioning, and Electric failed to call for required inspections as required by Minnesota Rules 1300.0210 Subp. 4. and Minneapolis Code of Ordinances 85.20.
2. Dave's Heating, Air Conditioning, and Electric failure to comply with written orders resulting as required by Minneapolis Code of Ordinances 87.320 in unsafe conditions.

RECOMMENDATIONS

1. The City will impose a \$1000 sanction. \$500 of that amount is to be paid after approval of the city council and signature of the mayor. \$500 is stayed pending no further permit violations, failure to comply with written orders or failure to notify inspections of required inspections.
2. All permits must be obtained before any work is started at the jobsite or within 24 hours of an emergency repair. The current department policy is the contractor must call the area inspector and notify them of the emergency repair on their voice mail. The contractor then must obtain the permit within 24 hours of the repair or the next available day the Inspections division is open.
3. Dave's Heating and Air Conditioning and Electric must call Construction Code Services in a timely manner for rough in and final inspections.
4. Dave's Heating and Air Conditioning and Electric will comply with all written orders by the due date given by the inspector unless the inspector has granted an extension to the orders of the inspections.
5. Dave's Heating and Air Conditioning and Electric understands that further violations of the mechanical codes resulting in an unsafe condition may result in adverse license action.

David Roberts understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility, and, as such, it is understood that there is a minimum standard that shall be met in order to hold such a license. Furthermore, it is understood that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances and regulations. As such, it is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any agreed upon or stayed penalties. It is further understood that compliance with the above Recommendations is a requirement for continuing to hold a license and that failure to comply with any of these conditions may result in additional adverse license action.

I have read and understand the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. I understand that the failure of my business to adhere to this agreement may be cause for further suspension, revocation, or denial of my license. I understand that this report must be accepted and approved by the Minneapolis City Council and Mayor.

Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO IN GOOD FAITH:

Business

By: [Signature]
(signature)

Its: owner
(title)

Dated: 10/29, 2008

For the City of Minneapolis:

[Signature]

Ricardo Cervantes
Deputy Director of Licenses

Dated: Nov 4, 2008